



Department of Energy
Washington, DC 20585

MAY 14 2019

Austin R. Evers
American Oversight
1030 15th Street, N.W.
Suite B255
Washington, D.C. 20005

Via email: foia@americanoversight.org

Re: HQ-2019-00438-F

Dear Mr. Evers:

This is the final response to the request for information that you sent to the Department of Energy (DOE) under the Freedom of Information Act (FOIA), 5 U.S.C. § 552. You requested:

All records reflecting communications (including emails, email attachments, text messages, messages on messaging platforms (such as Slack, GChat or Google Hangouts, Lync, Skype, or WhatsApp), telephone call logs, calendar invitations, calendar entries, meeting notices, meeting agendas, informational material, draft legislation, talking points, any handwritten or electronic notes taken during any oral communications, summaries of any oral communications, or other materials) between (a) C. Boyden Gray or any person acting on his behalf, and (b) any of the individuals listed below or any person acting on their behalf, such as an administrative assistant or scheduler.

- a. Rick Perry
- b. Brian McCormack

On February 12, 2019, in an email exchange with Ms. Rachel Fellows of this office, you instructed DOE to run the search terms “Boyden” and “@boydengrayassociates.com”, in the to, from, subject, or body fields, for any electronic searches.

On March 12, 2019, in an email exchange with Ms. Rachel Fellows of this office, you confirmed the following list of DOE employees for your request: Secretary Perry, Brian McCormack, Lucas Wallwork, Susanne Jones, and Andrea Yuzon.

Your request was assigned to DOE’s Office of the Executive Secretariat (ES) to conduct a search of its files for responsive documents. ES started its search on February 28, 2019, which is the cut-off date for responsive documents. ES has completed its search but did not locate any documents responsive to your request.



Therefore, pursuant to Title 10, Code of Federal Regulations (C.F.R.) § 1004.4(d), I am unable to provide any responsive documents for ES. Pursuant to 10 C.F.R. § 1004.7(b)(2), I am responsible for the determination that no responsive records exist in ES.

The adequacy of the search may be appealed within 90 calendar days from your receipt of this letter pursuant to 10 C.F.R. § 1004.8. Appeals should be addressed to Director, Office of Hearings and Appeals, HG-1, L'Enfant Plaza, U.S. Department of Energy, 1000 Independence Avenue, S.W., Washington, D.C. 20585-1615. The written appeal, including the envelope, must clearly indicate that a FOIA appeal is being made. You may also submit your appeal by e-mail to OHA.filings@hq.doe.gov, including the phrase "Freedom of Information Appeal" in the subject line (this is the method preferred by the Office of Hearings and Appeals). The appeal must contain all the elements required by 10 C.F.R. § 1004.8, including a copy of the determination letter. Thereafter, judicial review will be available to you in the Federal District Court either (1) in the district where you reside, (2) where you have your principal place of business, (3) where DOE's records are situated, or (4) in the District of Columbia.

You may contact DOE's FOIA Public Liaison, Alexander Morris, FOIA Officer, Office of Public Information, at 202-586-5955, or by mail at MA-46 Forrestal Building, 1000 Independence Avenue, S.W., Washington, D.C. 20585, for any further assistance and to discuss any aspect of your request. Additionally, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road-OGIS, College Park, Maryland 20740-6001, e-mail at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

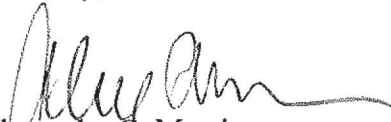
The FOIA provides for the assessment of fees for the processing of requests. *See* 5 U.S.C. § 552(a)(4)(A)(i); *see also* 10 C.F.R. § 1004.9(a). In our March 15, 2019, letter, you were informed that your request had been placed in the "other" category for fee purposes. Requesters in this category are entitled to two (2) free hours of search time and are provided 100 pages at no cost. In that same letter, DOE informed you that your fee waiver request was granted. Thus, no fees will be charged for processing your request.

If you have any questions about the processing of the request or this letter, you may contact me or Ms. Rachel Fellows in this office at:

MA-46/Forrestal Building
1000 Independence Avenue, S.W.
Washington, D.C. 20585
(202) 287-6831

I appreciate the opportunity to assist you with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Morris', with a long horizontal flourish extending to the right.

Alexander C. Morris
FOIA Officer
Office of Public Information